

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR50
)	
v.)	
)	ORDER
RUDOLPH GEORGE STANKO,)	
)	
Defendant.)	
)	

This matter is before the court on the following motions of defendant: Filing No. 233, motion for access to law library; Filing No. 234, motion for transcript; Filing No. 235, motion for court order; and Filing No. 236, motion for acquittal.

Filing No. 233, Filing No. 235

The defendant asks the court to permit him access of forty hours a week to the law library pending his sentencing. This request is denied. The court has provided defendant with ample opportunity to use the federal and jail libraries, and in many cases he has chosen not to do so. Defendant will be permitted to use the law library in accordance with the policies of the Douglas County Jail. Defendant also requests use of the law library because such request has been denied by jail officials due to defendant being in lockdown until November 11. Filing No. 235, Exhibit 1. Defendant is in lockdown again for failure to follow jail rules and procedures. The defendant must follow the rules and procedures in order to receive his library access. In addition, defendant has the services of his pro bono attorney to assist him with library research. Accordingly, both motions are denied.

Filing No. 234

Defendant requests a transcript of the trial for appeal of this case. This motion is granted. The Clerk of Court is ordered to supply defendant with an appropriate form, CJA 24. Defendant shall fill out the form and return it to the Clerk of Court for approval.

Filing No. 236

Defendant moves the court for judgment of acquittal for lack of jurisdiction, because he filed an interlocutory appeal prior to the start of trial. The court finds this motion is without merit.

IT IS ORDERED that defendant's motions, Filing Nos. 233, 235 and 236, are denied. Defendant's motion for a transcript, Filing No. 234, is granted. The Clerk of Court is ordered to supply defendant with an appropriate form, CJA 24. Defendant shall fill out the form and return it to the Clerk of Court for approval.

DATED this 2nd day of November, 2006.

BY THE COURT:

s/Joseph F. Bataillon
Chief United States District Judge